

1 Rule 4-202.06. Response to request to access or classify a court record.

2 Intent:

3 To establish the steps required for responding to a request.

4 Applicability:

5 This rule applies to requests to access or to classify a court record other than a motion under
6 Rule 4-202.04.

7 Statement of the Rule:

8 (1) The court shall take all steps necessary for responding to a request for records as soon as
9 reasonably possible. The judge presiding over a trial may withhold the names of jurors for up to
10 5 business days after trial.

11 (2) The person to whom a written request is submitted shall respond within 10 business days,
12 or within 5 business days if the request demonstrates that:

13 (2)(A) an expedited response benefits the public rather than the requester; or

14 (2)(B) the record is for a story or report for publication or broadcast to the general public.

15 (3) The person to whom the request is submitted shall respond by:

16 (3)(A) providing the record;

17 (3)(B) denying the request; or

18 (3)(C) notifying the requester that the court does not maintain the record and providing, if
19 known, the name and address of the governmental entity that does maintain the record.

20 (4) Under extraordinary circumstances, the person to whom the request is submitted may
21 respond by identifying the circumstance that prevents the request from being timely approved or
22 denied and the estimated date when the final response will be made. The following constitute
23 extraordinary circumstances:

24 (4)(A) another governmental entity is using the record;

25 (4)(B) the request is for a large number of records;

26 (4)(C) the court is currently processing a large number of requests for records;

27 (4)(D) the court must locate the records;

28 (4)(E) the court must separate records that the requester may access from records the
29 requester may not access;

30 (4)(F) the court must provide notice of the request to a person whose interests are protected
31 by closure; or

32 (4)(G) the court must seek legal advice on whether to allow access.

33 (5) A written request to access a court record or to classify a court record as private or
34 protected is deemed denied if the initial response is not mailed within 10 business days after
35 receiving the written request or the final response is not mailed within the time estimated in the
36 initial or subsequent response.

37 (6) The response shall be mailed to the requester. If the request is denied, the response shall:

38 (6)(A) describe the record or portions of the record to which access is denied in a manner that
39 does not disclose information other than public information;

40 (6)(B) refer to the authority under which the request is being denied;

41 (6)(C) make findings and conclusions about specific records;

42 (6)(D) identify and balance the interests favoring opening and closing the record; and, if the
43 record is closed, determine there are no reasonable alternatives to closure sufficient to protect the
44 interests favoring closure;

45 (6)(E) state that the requester may appeal or seek judicial review; and

46 (6)(F) state the time limits for filing an appeal or petition for judicial review and the name
47 and address of the person to whom the appeal or petition must be directed.

48 (7)(A) If the request is to access an adoption record, the person to whom the request is
49 submitted shall respond by providing only the case number.

50 (7)(B) If the request is to access a sealed record or a record in which the name of a person is
51 the interest protected by closure, the person to whom the request is submitted shall respond,
52 without indicating whether the record exists, that such records are not accessible.

53 (8) The court shall retain custody of and keep safe any record to which access is denied until
54 the period for an appeal has expired or the appeal process has concluded.

55 (9) A document required to be sent by mail may be sent by email, fax or hand-delivery.